



COUNTY OF YOLO

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September 30, 2011

VIA E-MAIL ONLY

Ms. Terry Macaulay
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Re: Comments of Yolo County—Fifth Draft of the Delta Plan

Dear Ms. Macaulay:

This letter and the accompanying enclosure set forth the comments of the Yolo County Board of Supervisors on the August 2, 2011 “Fifth Staff Draft Delta Plan” (“Fifth Draft”).

Altogether, while the Fifth Draft responds to some of the County’s previous suggestions, the County continues to have significant concern with how it handles—or fails to handle—several discrete issues. In particular, the following topics are of greatest interest and concern to the County.

1. Economic Impacts and Mitigation.

The Fifth Draft continues to neglect the need to address the economic impact of the proposed restoration of a vast amount of habitat—particularly aquatic habitat that is incompatible with agricultural uses—within the Delta and Suisun Marsh. Indirect acknowledgement of this issue appears in Chapter 8, which states that “[e]conomic development planning and investment are required to sustain the economic vitality of the Delta while achieving the coequal goals as economy [sic] of the Delta and California change.” This policy statement mirrors language in Water Code Section 85054 that directs achievement of the coequal goals “in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.”

The County strongly supports these expressions of state law and policy. The County offers the following specific proposals for changes to the Delta Plan that may assist in achieving related objectives:

- **Individual County Economic Sustainability Plans.** With regard to Delta economic issues generally, a recommendation for the Council to consider including in Chapter 8 (or elsewhere in the Delta Plan, if appropriate) is as follows:

“Following completion of the Economic Sustainability Plan (subject to the availability of funding), each Delta county shall prepare a local economic development plan that addresses its economic development issues for areas within the

statutory Delta, identifies specific recommendations for actions and related financing (including the Delta Investment Fund), and establishes an implementation program.”

- **Strong Support for Appropriations to the Delta Investment Fund.** As the County proposed in its comments on the Fourth Draft, the Council should strengthen language in Chapter 9 (Recommendation FP R10) that currently calls for the Legislature to “consider appropriate funding for the Economic Sustainability Plan consistent with the Delta Plan.” As the text of Chapter 8 recognizes (see p. 197, lines 14-19), the Delta *needs* economic development planning and investments to sustain its economic vitality. The Council’s strong support for appropriations to support implementation of the Economic Sustainability Plan (and individual county plans, as proposed above) will be critical to achieving this goal.
- **Assessment of BDCP-Related Economic Impacts.** As suggested in the County’s comment letter on the Fourth draft of the Delta Plan, a recommendation for the Council to consider is as follows:

“Prior to the implementation of BDCP or a similar program of habitat restoration in the Delta, DWR, the DPC, and the Delta Conservancy shall develop a comprehensive report on the anticipated economic impacts of such projects. The report should include recommendations regarding reasonable and appropriate compensation mechanisms and programs to administer those mechanisms in the most effective manner, as well as a discussion of options for funding those programs.”

- **Support for Implementation of Economic Mitigation Programs.** In the context of the Financial Plan Framework identified in Chapter 9, the County proposes additional Delta Plan language as follows:

“Following completion of the report on anticipated economic impacts of projects related to the BDCP or a similar comprehensive program of habitat restoration in the Delta, the Delta Stewardship Council will review the recommendations regarding economic mitigation programs and related options for funding their implementation. At the conclusion of that review, the Council may recommend the implementation of one or more implementation options (or other appropriate action, in the Council’s discretion) with the goal of ensuring reasonable and appropriate compensation for affected jurisdictions.”

As the County has previously acknowledged, these are difficult issues that will require significant attention in the near future. The Council should also consider strengthening language in the Fifth Draft (Chapter 9, Recommendation FP R 11) regarding payments in lieu of taxes for lands acquired for ecosystem or water supply projects. Payments in lieu of taxes are a necessary component of any comprehensive approach to mitigating the economic impacts of such projects and ensuring that local governments are made whole.

2. Balancing Future Habitat Restoration with Other Land Uses.

In commenting on the Fourth Draft, the County expressed concern with the regulatory significance accorded a map excerpted from the ERP Conservation Strategy (set forth in the Fifth Draft as Figure 5.2). (See June 24, 2011 comment letter, pp. 5-6, and pp. 3-4 of the enclosure to this letter.) The Fifth Draft does not address the County's concerns. Consequently, the County raises those concerns once again and strongly urges the Council to reevaluate Policy ER P3 in Chapter 5, which requires all covered actions to "demonstrate that they have, in consultation with the Department of Fish and Game, avoided or mitigated within the Delta the adverse impacts to the opportunity for habitat restoration at the elevations shown in Figure 5.2" except within certain existing urban areas and city spheres of influence.

At bottom, the problem with Policy ER P3 is that it relies on a map that identifies the potential for habitat restoration throughout the entire legal Delta based only on one factor: land elevations. There is no expectation that habitat will eventually be restored within all, most, or even a significant fraction of the acreage depicted on the map. Despite this, the Fifth Draft precludes covered actions that cannot somehow "demonstrate that they have . . . avoided or mitigated within the Delta the adverse impacts to the opportunity for habitat restoration" that could theoretically (to be generous) occur in the vicinity of the project site. Such an undertaking will, in many instances, require a degree of clairvoyance that should not be a part of any serious land use planning effort.

For at least these reasons, Policy ER P3 is simply impractical. The Council should reconsider its purpose and revise it to apply much more narrowly to situations where a habitat restoration project is *reasonably foreseeable* based on a comprehensive review of relevant facts and circumstances.

3. Reasonable Restrictions on Land Uses and Activities in Floodplains.

Table 7.1 in Draft Five sets forth various restrictions on "covered actions" proposed within floodplains. The County has no objection to reasonable restrictions on urban development projects and other activities that rise to the level of a "covered action" within floodplains. By and large, existing law (together with the Land Use and Resource Management Plan of the Delta Protection Commission) comprehensively regulates such development and the need for additional regulation—if any—is quite limited. Consequently, the County encourages the Council to consider the specific comments on Table 7.1 that are enclosed with this letter.

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The Yolo County Board of Supervisors appreciates the opportunity to comment on the Fifth Draft. We look forward to continued involvement in the planning and environmental review processes.

Sincerely,



Matt Rexroad, Chair
Yolo County Board of Supervisors

Enclosure

**Yolo County's Comments—Fifth Draft of the Delta Plan
September 30, 2011**

Comments on Preface

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4:24

The County notes the statement: "The Delta Plan aims to be practical." As occasionally indicated in the following comments, certain policies in the Fifth Draft (if incorporated into the final Delta Plan) are not consistent with this aim. Policy ER P3 in Chapter 5 is a leading example, as discussed below.

5:12-13

The County notes the statement: "Despite the cheerful optimism of past governance efforts to assert that when it comes to matter [sic] of the Delta 'we can all get better together,' the Council has reached another conclusion. True efforts to achieve the coequal goals will in fact bring tradeoffs that will neither be popular nor clear-cut."

This may very well prove accurate. The County has long encouraged the Council to directly recognize and address the potential tradeoffs inherent in widespread ecosystem restoration throughout the Delta. This statement in the Preface, however, only partly acknowledges the concern previously identified by the County and offers no strategy for addressing the potential for such tradeoffs. Importantly, to the extent the Delta Plan supports tradeoffs that "will neither be popular nor clear-cut," it should do so only to the extent such tradeoffs are urgently needed. It should also support full mitigation for the communities and resources affected by such tradeoffs.

In short, it is hardly enough to simply pronounce that unpopular tradeoffs may occur. Fair and practical solutions to the Delta's myriad problems will evolve only in a context where tradeoffs are first avoided and then, if avoidance proves impossible, fully mitigated. A general recognition that unpopular tradeoffs may occur, without more, is unconstructive because it can be misapplied and distorted into a justification for tradeoffs that are neither necessary nor practical.

Comments on Chapter 1--The Delta Plan

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23-24

The discussion of "Current Conditions: Today's Delta" continues to be far more negative than is appropriate, as the County has previously remarked. No mention is made, for example, of the Delta's strong agricultural industry, unique communities, or terrestrial habitats. The focus is instead on the need to ensure "water supply reliability," with considerable discussion of the importance of Delta water to the economic vitality of

other regions of the state.

Certainly, if this section is intended to comprehensively discuss "current conditions," it should move beyond this limited, negative perspective. Alternatively, this section should be renamed to indicate that it is an exposition of concerns relevant to ensuring continued water supply reliability.

26:24-41 The County generally supports the sentiments expressed in the final two bullets of this discussion, relating to "What the Delta Plan will achieve by 2100." Those bullets make clear that the Delta Plan is intended to ensure "Delta agriculture remains an important and dynamic part of the Delta" and that "[t]he Delta--while evolving in response to sea level rise, earthquakes, floods, and major urbanization around the outside--remains a socially and environmentally distinctive culturally significant region that is overwhelmingly rural."

No specific comments on Chapter 2--Science and Adaptive Management for a Changing Delta

Comments on Chapter 3--Governance: Implementation of the Delta Plan

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57:30-35 In this paragraph, the Fifth Draft defines "significant impact" for purposes of clarifying the intended scope of Water Code Section 85057.5(a). This definition, frankly, is too vague to be of any use--stating essentially that an activity with a "significant impact" on certain statutory objectives is one that has a "significant affect on the achievement" of those objectives. It should thus either be refined or eliminated.

58:24-25 The County observes that the exemption for "ministerial actions" has been revised and expanded in the manner proposed by Yolo County (and others). We appreciate this change.

60:31-39 This paragraph explains that (among other things) certain covered actions may not be fully consistent with all policies contained in the Delta Plan. In that circumstance, it states that "project proponents" must attempt to reconcile the various policies and describe how the covered action, on whole, is consistent with the "coequal goals and inherent objectives." The paragraph concludes by stating the Council may determine, on appeal, that such covered actions are consistent with the Delta Plan.

The County proposes two clarifications to this discussion. First, state and local agencies--which are typically project proponents only in the limited context of public works projects--are responsible for preparing the covered action certification documents and, consequently, reconciling the

various policies in conflict. This paragraph should be revised to eliminate the reference to project proponents, which could be misapplied to require the applicants for *private* development projects to prepare consistency certification documents. Second, when confronted by conflicting policies, state and local agencies presumably have the legal authority to make a decision on project consistency after attempting to reconcile the policies at issue. This paragraph *could* be read to say that such authority lies only with the Council, as it refers exclusively to the Council's ability to decide that a covered action is consistent on appeal. Presumably this is not intended.

60:40-41

The County reiterates the concern it expressed in commenting on the Fourth Draft with regard to the Council's potential role as an administrative appellate body for issues arising under the California Environmental Quality Act. Even if appeals to the Council prove to be rare, the task of reconciling claims arising under CEQA--often implicating a detailed and complex analysis of hundreds or thousands of pages of environmental documents and related materials--will likely prove to be very difficult. The condensed timeframe for hearing and deciding an appeal to the Council also calls into question whether the Council can adequately resolve CEQA-based claims, which typically entail extensive briefing of many distinct issues when considered by courts.

All in all, the County opposes this element of Policy G P1. We strongly encourage the Council to reconsider the potential consequences of establishing itself as an appellate authority on CEQA claims.

61:8-9

This sentence states that "[a]ll covered action proponents shall certify that the covered action shall comply at all times with existing applicable law." It is not clear what this means. To the extent that it is intended to require a project to always comply with every applicable law (in perpetuity), however, it is utterly impractical and unprecedented. Certainly, it is reasonable to require projects to comply with the laws applicable at the time they are approved. To a degree, it is also reasonable to require projects to comply with laws in effect when they are built. California law already covers such matters quite comprehensively. There is no need for the Delta Plan to address this issue by creating a scheme where every new law will apply to projects built years or decades in the past.

No specific comments on Chapter 2--Science and Adaptive Management for a Changing Delta

Comments on Chapter 5--Restore the Delta Ecosystem

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109:14-16 and

The discussion in this introductory section includes the following

Policy ER P3

acknowledgment: "It is important to recognize that ecosystem restoration in the Delta landscape will not restore the historical "wild" Delta, but knowledge of the historical Delta informs restoration actions by identifying what landscape elements best fit various localities where restoration projects are practical and feasible."

This is, indeed, important to recognize. But this is where the Fifth Draft appears to stop, failing to actually identify "practical and feasible" areas for restoration projects. Instead, as the County has objected to in prior drafts (see June 24, 2011 comment letter, pp. 5-6), the Fifth Draft simply incorporates the elevation map from the ERP Delta Conservation Strategy (see Policy ER P3). This map has nothing to do with practicality and very little to do with feasibility because it reflects only one factor--elevation--and cannot be said to represent even a preliminary conceptualization of individual habitat restoration projects in discrete locations. Yet the Fifth Draft instills this rudimentary map of land elevations with tremendous significance, establishing it as a de facto restriction on future covered actions that have the potential to impact "the opportunity for habitat restoration at the elevations" shown thereon (Policy ER P3).

While the Delta Plan may aim to be practical, this approach is anything but. Nothing in California law gives the Council authority to require all projects that may adversely affect the potential for future habitat restoration in the Delta to avoid or mitigate their impacts on that potential, particularly where the only evidence of such "potential" is a map of land elevations drawn without regard to any other measure of the feasibility or practicality or restoration. The ERP Conservation Strategy itself makes clear that habitat restoration is not expected to proceed within all or even most of the areas covered by the map. [*E.g.*, p. 33 (" . . . it is projected that much of this land will remain dedicated to agriculture into the future."); p. 77 ("Therefore, it is expected that most agricultural lands will remain in productive agriculture for the foreseeable future . . .").]

The problem with Policy ER P3, at bottom, is that it deems any unmitigated impact to hypothetical future habitat restoration potential to be unacceptable, without truly considering what this actually means or the sheer difficulty state and local agencies will face in applying this policy. The County urges the Council to identify a more practical approach, such as the strategy identified in the County's June 24, 2011 letter on the Fourth Draft (pp. 5-6) of the Delta Plan.

116:13-15

This paragraph begins with a sentence that reads: "The ERP Conservation Strategy includes an elevation map for the Delta and Suisun Marsh and accompanying text to show the appropriate habitat types to be restored based on current elevations, included as Appendix D of the Delta Plan."

This is not accurate. The referenced elevation map does not show "appropriate habitat types *to be* restored." It shows instead the *potential* for habitat restoration throughout the Delta based solely on land elevations. Nothing in the map or accompanying text in the ERP Conservation Strategy indicates that habitat will actually be restored in all or even most of the areas shown on the map. This is an important distinction that is central to the concerns raised by the County in its prior comment regarding the misuse of the elevation map in the Fifth Draft.

117:29-37 The County appreciates the inclusion of the Clarksburg Growth Boundary as among the areas that are exempt from Policy ER P3.

119:7-42 and
Policy ER R1 In the course of recommending habitat restoration projects in certain areas, including the Yolo Bypass, the Council should emphasize the importance of including local governments and other stakeholders in the planning process. An example of one such outreach effort is the Yolo Bypass Fisheries Enhancement (YBFE) planning team, convened by the Resources Agency in mid-2011. Thus far, the YBFE planning team has provided a useful forum for discussing and responding to stakeholder concerns and suggestions relating to restoration projects in the Yolo Bypass. This process (or something similar) should be replicated in other parts of the Delta where significant habitat restoration is supported by the Council in Policy ER R1.

125:17-21 and
Recommendation
ER R8 This recommendation urges the completion of the BDCP by December 31, 2014. Despite other recent documents and agreements containing a similar timeframe for completion of the BDCP process, the County does not presently believe that sufficient information exists to create a meaningful deadline for completion of the BDCP. Surely, it is reasonable to support the expeditious completion of the BDCP planning process and to ensure that state agencies devote sufficient resources to achieve that objective. That said, placing a specific deadline on a process that is driven (at least in significant part) by ongoing scientific efforts of great complexity is unrealistic in the absence of information showing that such efforts can be appropriately completed in a given timeframe. This deadline should therefore be eliminated in favor of language that urges expeditious progress toward completion of the BDCP and a related commitment of the necessary resources by involved state agencies.

127:30-32 This performance measure states: "Progress toward protecting existing habitats that benefit native resident and migratory species, including migratory birds. Trends in the area of habitat used by native species (acres) will remain stable or increase over the next decade." This is one of several performance measures at the conclusion of Chapter 5 with little or no connection to the policies and recommendations that actually appear in the chapter. While it is certainly a sound goal and one that the County

generally supports, it should not be offered as a performance measure for the Delta Plan in the absence of relevant Plan language, particularly with respect to terrestrial species (some of which would be significantly affected—if not extirpated—by full restoration of the areas shown in Figure 5.2). If this measure is retained, baseline data should be included in the Delta Plan to establish a basis for evaluation of progress toward achieving this measure in the years to come.

No specific comments on Chapter 6--Improve Water Quality to Protect Human Health and the Environment

Comments on Chapter 7--Reduce Risks to People, Property, and State Interests in the Delta

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165:10-32;
Policies RR P1
and RR P2

The County reiterates the comments raised in its June 24, 2011 letter regarding the Fourth Draft of the Delta Plan. Policies RR P1 and RR P2 remain poorly conceived and should be substantially revised.

172:17-22

This paragraph contains two statements that are inaccurate and require revision.

The first is a sentence that reads: “Consistent with existing law, urban development in the Primary Zone should remain prohibited.” There is no existing law prohibiting “urban development”—assuming that term is intended to be read broadly to include virtually any construction of structures for residential, industrial, or commercial use—in the Primary Zone. This is perhaps intended as a reference to the Delta Protection Act of 1992, but that law (among other things) established general policy principles to guide the preparation of a Land Use and Resource Management Plan by the Delta Protection Commission. Neither the Act nor the Resource Management Plan, however, prohibit development outright.

The second inaccurate statement is as follows: “They [legacy communities] must meet the current legal standard of a 100-year level of flood protection, but doing so may be beyond their means.” This is true for new development within legacy communities (and other areas that lack adequate flood protection), but this statement implies something much more broad—i.e., that levees protecting such communities must be upgraded to provide 100-year flood protection, or that existing structures must be elevated or floodproofed to provide such protection. Consequently, this statement should be revised to accurately describe the current state of the law.

Policy RR R3

This policy requires covered actions in the Delta to be consistent with Table 7-1, prior iterations of which the County has also commented on extensively (see June 24, 2011 letter, pp. 7-8). While the table has been

revised since the Fourth Draft, the County continues to have a number of concerns.

First, by including a list that describes certain activities as “covered actions” (e.g., “[a]griculture-related non-residential on-farm structures without substantial employees,” which apparently means barns and similar structures) the Council appears to be expressing a conclusion that such activities are, in fact, “covered actions.” But of course—setting aside the fact that barns and some of the other activities included in the list will rarely if ever be “covered actions”—defining a certain activity as a “covered action” is beyond the regulatory purview of the Council. The Fifth Draft recognizes in Chapter 3 (consistent with California law) that state and local agencies that undertake or approve projects have sole authority to determine whether individual projects are “covered actions.” Table 7.1 should thus be revised to clearly state that the list of various “covered actions” does not—and could not—represent a Council determination that such activities are in fact “covered actions,” and that it reflects only a Council judgment regarding appropriate flood protection levels for such activities *in the event* that they rise to the level of a covered action based upon the facts and circumstances of individual projects.

Second, the County assumes that where Table 7.1 requires 100-year flood protection, that requirement can be satisfied by the methods identified in Figure 7.4 (p. 169). This is perhaps the intent of footnote “d” in Table 7.1, but the footnote should be clarified to state this more clearly. Also, is there any reason why floodproofing cannot be an acceptable means of achieving 200-year protection? If not, then Table 7.1 should reflect this potential strategy for providing 200-year flood protection.

Third, the “covered actions” column refers to the development of subdivisions of more than four parcels “in non-urbanized areas within Legacy Towns.” What is a “non-urbanized area” within a Legacy Town? Why not just say “within Legacy Towns”?

Fourth, Table 7.1 prohibits the development of subdivisions of more than four parcels outside of the Legacy Towns and urban areas (as defined in Government Code Section 65007(e)) unless 200-year flood protection exists. This potentially brings the Delta Plan into conflict with existing state law requiring a 100-year level of flood protection for such projects (as well as consistency with the Delta Protection Commission’s Land Use and Resource Management Plan if the project is located in the Primary Zone). The County questions whether the Council has legal authority to place additional restrictions on such development, effectively requiring a five-lot subdivision in a rural area of the Delta to meet a flood protection standard that exceeds the level of protection required for a 500-lot subdivision located on a floodplain outside of the legal Delta.

Aside from this preliminary legal issue, however, the County is concerned that this prohibition may preclude implementation of its agricultural clustering ordinance in areas subject to the Delta Plan. The County's ordinance—which is strongly encouraged by the DPC Resource Management Plan, Land Use Policy 11—is intended to preserve farmland by creating a means of “clustering” a small number of residences in an agricultural area and preserving the balance of each lot with a conservation easement. The intended effect is to reduce the conversion of existing agricultural parcels to residential use by confining homesite development *that is already legally allowed on individual parcels* within a small, defined area that is compatible with continued agricultural use of the remainder of each existing parcel. Table 7.1 should be revised to allow agricultural clustering so long as it proceeds in accordance with Land Use Policy 11 in the current version of the Resource Management Plan and all other existing local and state laws (including the Delta Plan).

Lastly, the County reiterates the concerns expressed in its June 24, 2011 comment letter on the Fourth Draft with respect to the term “above ground infrastructure,” which has been revised to read “above-ground utilities and transportation facilities.” Assuming “transportation facilities” includes roads and minor bridges, the County's prior concerns continue to apply to the extent that a road improvement project (if somehow considered a “covered action”) will be precluded by the lack of PL 84-99 or greater flood protection. The absurdity of such a result requires no explanation.

Recommendation RR R6	The County reiterates its suggestion regarding Recommendation RR R4 in the Fourth Draft of the Delta Plan (see June 24, 2011 comment letter, p. 8). Specifically, the County encourages the Council to recommend that the Legislature prioritize funding for implementation of the Delta Multi-Hazard Task Force Recommendations.
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Recommendation RR R8	As in the Fourth Draft, this recommendation (previously Recommendation RR R5) suggests that the Legislature should “provide specific immunity for public safety flood protection activities, similar to that provided for police and fire protection services.” The County thus reiterates its comments on this proposal in the Fourth Draft (see June 24, 2011 comment letter, p. 8).
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In addition, the County observes that existing law already provides a significant degree of protection against liability for certain flood protection activities. The Fifth Draft alludes to certain recent legislative enactments that protect the state in the event a local government unreasonably approves a project (p. 181:22-23). Further, as stated in [*Belair v. Riverside County Flood Control District*](#) (1988) 47 Cal.3d 550, 565, “a public agency that undertakes to construct or operate a flood control project clearly must not be made the absolute insurer of those lands provided protection.” For this

reason, courts apply the reasonableness test to flood control improvements, which requires an evaluation of whether “the design, construction or maintenance of the flood control project...posed an unreasonable risk of harm” to the affected parties. If “reasonableness” is too high a standard for the state to meet in its flood protection efforts, the Delta Plan should explain why this is so.

Recommendation RR R9 The County reiterates its comments on this recommendation (then Recommendation RR R6) as it appeared in the Fourth Draft (see June 24, 2011 comment letter, pp. 8-9).

Comments on Chapter 8—Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place

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191-195

The County recognizes that the Fifth Draft includes additional text describing the cultural, recreational, natural resources, and agricultural values of the Delta in a positive and generally accurate manner. We appreciate the continued effort of the Council to refine and improve portions of Chapter 8 that provide background material of this nature.

197:10-12

As the County pointed out in its comment letter on the Fourth Draft, the state has not paid any “payments in lieu of taxes” for wildlife areas in many years. The text should document this problem, rather than simply implying that the state budget constraints “may affect payments on an annual basis.” The state’s failure to make any payments for a decade is a chronic issue that should be accurately captured in the Delta Plan.

197:14-19

The County appreciates the deletion of language positing that “Delta economic drivers are changing,” which appeared in the Fourth Draft. In its place, this paragraph explains the importance of economic development planning and investment to sustaining the economic vitality of the Delta while achieving the coequal goals. The County shares this perspective and encourages the Council (consistent with the points and suggestions expressed in the County’s cover letter accompanying these comments on the Fifth Draft) to continue to work toward these outcomes, both before and after completion of the initial Delta Plan.

Recommendation DP R4

This recommendation supports a new park at Elkhorn Basin in Yolo County. The County has not been directly consulted in connection with this proposal. Nor, to its knowledge, has the state Department of Parks and Recreation conducted any local public outreach regarding this proposal. The County supports meaningful public outreach and stakeholder involvement in any efforts to further develop this proposal.

199-200;
Performance
Measures

The County reiterates its comments on the performance measures that are similar to those appearing in the Fourth Draft (see June 24, 2011 comment letter, p. 12). In particular, the County is puzzled by language stating: “Total agricultural acreage and gross revenue in the Delta will be maintained or increased in the future.” While the County strongly supports maintaining or increasing gross revenues, the Delta Plan needs to identify a baseline figure and propose an index that tracks inflation for this measure to have any value as a yardstick. Also, the notion that “total agricultural acreage” can somehow be maintained or increased is deeply flawed for reasons explained by the County in its June 24, 2011 comment letter. Absent sound evidence that such an outcome is possible, this language should be deleted.

In addition, the County observes that the performance measures have been revised to include a new requirement that reads: “Total acres of undeveloped agricultural, habitat, recreational, and open space lands will be maintained in the future and not converted to municipal and industrial uses.” Nowhere in Chapter 8 is there any justification for such a measure, which essentially suggests that the success of the Delta Plan will be measured against whether the Delta is frozen in time. Certainly, the widespread conversion of Delta lands (particularly in the Primary Zone) to municipal and industrial uses is inconsistent with various state laws and policies and is appropriately discouraged. But maintaining the existing acreage of agricultural, habitat, recreational, and open space lands is a far more extreme approach that is impractical and unwarranted.

No specific comments on Chapter 9—Finance Plan Framework to Support Coequal Goals

Please see the cover letter accompanying these comments for discussion of Recommendations FP R10 and R11, as well as related fiscal issues